

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEORGE HUMPHRYS, Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

v.

TD Ameritrade Holding Corporation, and TD Ameritrade, Inc.,
f.k.a. TD Waterhouse Investor Services, Inc.,

Defendants.

Civil Action No.
08-CV-2912(PAC)

NOTICE OF RELATED CASE

Pursuant to Local Rule 1.6 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, the undersigned counsel for Plaintiff hereby provide notice that a case which is related to the instant, first filed action, namely, *Silverstein, et al. v. TD Ameritrade Holding Corp., et al.*, No. 08-cv-5467, has been assigned to the Honorable George B. Daniels, rather than to the Honorable Paul A. Crotty. The *Silverstein* action was transferred to this Court from the United States District Court for the District of Nebraska for the specific purpose of not only coordinating it with the instant action assigned to Judge Crotty, but also consolidating it herewith, as per the Order from the Nebraska District Court, and the Joint Motion and Stipulation and proposed Order of the parties, upon which said Order was entered. The Order, Joint Motion and Stipulation are attached hereto as Exhibits A, B and C, respectively.

Dated: June 25, 2008

SEEGER WEISS LLP

By: /s/ Stephen A. Weiss

Christopher A. Seeger

Stephen A. Weiss

David R. Buchanan

One William Street, 10th Floor

New York, NY 10004

Telephone: (212) 584-0700

Facsimile: (212) 584-0799

Daniel C. Girard
Jonathan K. Levine
Aaron M. Sheanin
GIRARD GIBBS LLP
601 California Street, 14th Floor
San Francisco, CA 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Norman E. Siegel
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, MO 64112
Telephone: (816) 714-7100
Facsimile: (816) 714-7101

Attorneys for Plaintiff

EXHIBIT “A”

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SHELDON SILVERSTEIN,
on behalf of himself and all others
similarly situated,

Plaintiff,

v.

TD Ameritrade Holding Corporation,
and TD Ameritrade, Inc., f.k.a TD
Waterhouse Investor Services, Inc.,

Defendants.

8:08CV175

ORDER

This matter having come before the court on Plaintiff Sheldon Silverstein's and Defendants TD Ameritrade Holding Corporation's, and TD Ameritrade, Inc.'s, f.k.a TD Waterhouse Investor Services, Inc. joint motion to transfer this action to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1404(a) (Filing No. 24). The court has considered the joint motion to change venue, noting the agreement of the parties, and having further found that this action might have been brought originally in the United States District Court for the Southern District of New York, and that transfer is in the interest of justice. Additionally, the court has considered the parties' joint stipulation (Filing No. 25) seeking additional time for Defendants to file an answer or otherwise respond to the amended complaint should be granted. Upon consideration,

IT IS ORDERED:

1. The Joint Motion for a transfer of venue (Filing No. 24) is granted.
2. Pursuant to 28 U.S.C. § 1404(a), this action shall be transferred to the United States District Court for the Southern District of New York.
3. The Clerk of this Court shall transmit to the Clerk of the United States District Court for the Southern District of New York, a certified copy of this order and all the pleadings and papers on file in the Clerk's office relating to this action.

4. The parties' Stipulation (Filing No. 25) is granted. The defendants shall have to **on or before August 11, 2008**, to answer or otherwise plead in response to the plaintiff's complaint.

DATED this 10th day of June, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge

EXHIBIT “B”

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

SHELDON SILVERSTEIN, on behalf of
himself and all others similarly situated,

Plaintiff,

V.

TD Ameritrade Holding Corporation, and
TD Ameritrade, Inc., f.k.a TD Waterhouse
Investor Services, Inc.,

Defendants.

No. 8:08-CV-00175-LSC-TDT

Hon. Laurie Smith Camp

ECF Case

**JOINT MOTION REQUESTING THE TRANSFER OF VENUE
TO THE SOUTHERN DISTRICT OF NEW YORK**

Plaintiff Sheldon Silverstein (“Plaintiff”) and Defendants TD Ameritrade Holding Corporation, and TD Ameritrade, Inc., f.k.a TD Waterhouse Investor Services, Inc. (collectively, “Defendants”) hereby move this Honorable Court to transfer this action to the Southern District of New York pursuant to 28 U.S.C. § 1404(a).

In support of their joint motion, Plaintiff and Defendants now state as follows:

1. Plaintiff and Defendants stipulate and agree that the above-captioned matter could have been brought in the Southern District of New York.

2. Plaintiff and Defendants stipulate and agree that it is in the interest of justice and for the convenience of the parties and witnesses that the above-captioned matter be transferred to the Southern District of New York for consolidation with *Humphrys v. TD Ameritrade Holding*

Corporation, et al, Case No. 08-CV-2912(PAC), which was filed before Plaintiff filed the instant action.

Pursuant to the Local Rules, a proposed Order Granting Transfer of Venue to the Southern District of New York will be emailed to Judge Camp.

Dated: June 9, 2008.

/s/ Rebecca B. Gregory
Thomas H. Dahlk (#15371)
Rebecca B. Gregory (#22901)
HUSCH BLACKWELL SANDERS LLP
1620 Dodge Street, Suite 2100
Omaha, NE 68102
964-5000
Fax (402) 964-5050
tom.dahlk@huschblackwell.com
rebecca.gregory@huschblackwell.com
Counsel for Defendants

/s/ David W. Rowe
David W. Rowe, Esq.
KINSEY, ROWE, BECKER & KISTLER, LLP
PO Box 85778
121 S. 13th Street, Suite 601
Lincoln, Nebraska 68501-5778 Tel. (402)
Telephone: (402) 438-1313
Facsimile: (402) 438-1654
Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of June, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to such filing to the following:

David Rowe
206 S.13th Street #1301
Lincoln, NE 68508

Eduard Korsinsky
Joseph E. Levi
Juan E. Monteverde
39 Broadway, Suite 1601
New York, NY 10006

/s/ Rebecca B. Gregory

EXHIBIT “C”

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

SHELDON SILVERSTEIN, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

TD Ameritrade Holding Corporation, and
TD Ameritrade, Inc., f.k.a TD Waterhouse
Investor Services, Inc.,

Defendants.

No. 8:08-CV-00175-LSC-TDT

Hon. Laurie Smith Camp

ECF Case

STIPULATION AND ORDER

WHEREAS, on April 17, 2008, Plaintiff Sheldon Silverstein ("Plaintiff") filed a putative Class Action Complaint (the "Complaint") in the above-captioned matter; and

WHEREAS, Plaintiff and Defendants TD Ameritrade Holding Corporation, and TD Ameritrade, Inc., f.k.a. TD Waterhouse Investor Services, Inc. (collectively, "Defendants") have filed a Joint Motion to Transfer Venue to the Southern District of New York (the "Motion") for consolidation with *Humphrys v. TD Ameritrade Holding Corporation, et al*, Case No. 08-CV-2912(PAC) in the above-referenced matter;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and Defendants, through their undersigned counsel, as follows:

1. Defendants shall not be required to answer, move against, or otherwise respond to the Complaint pending the Court's decision on the Joint Motion or if the Joint Motion is granted.
2. If the Joint Motion is granted, Defendants have the longer of the following to answer, move against, or otherwise respond to the Amended Complaint in the consolidated

action: (a) sixty (60) days from service of the Amended Complaint, or (b) the time provided by the Court in the consolidated action.

3. If the Joint Motion is denied, Defendants shall have sixty (60) days from the Court's decision to answer, move against, or otherwise respond to the Complaint.

Dated: June 9, 2008.

/s/ Rebecca B. Gregory
Thomas H. Dahlk (#15371)
Rebecca B. Gregory (#22901)
HUSCH BLACKWELL SANDERS LLP
1620 Dodge Street, Suite 2100
Omaha, NE 68102
964-5000
Fax (402) 964-5050
tom.dahlk@huschblackwell.com
rebecca.gregory@huschblackwell.com
Counsel for Defendants

/s/ David W. Rowe
David W. Rowe, Esq.
KINSEY, ROWE, BECKER & KISTLER, LLP
PO Box 85778
121 S. 13th Street, Suite 601
Lincoln, Nebraska 68501-5778 Tel. (402)
Telephone: (402) 438-1313
Facsimile: (402) 438-1654
Counsel for Plaintiff

SO ORDERED.

Dated this _____ day of _____, 2008.

HONORABLE LAURIE SMITH CAMP
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of June, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification to such filing to the following:

David Rowe
206 S.13th Street #1301
Lincoln, NE 68508

Eduard Korsinsky
Joseph E. Levi
Juan E. Monteverde
39 Broadway, Suite 1601
New York, NY 10006

/s/ Rebecca B. Gregory

CERTIFICATE OF SERVICE

TerriAnne Benedetto, Esquire, being duly sworn, hereby deposes and says:

I am over the age of eighteen years and not a party to the within action and am an attorney with the firm Seeger Weiss LLP, counsel for the Plaintiff.

On June 26, 2008 I caused a true and correct copy of the foregoing Notice of Related Case, to be served via ECF on all counsel of record and interested counsel at the following addresses and via U.S. Mail, postage prepaid, upon the Clerk of the Court:

Juan Eneas Monteverde
Eduard Korsinsky
Levi & Korsinsky, LLP
39 Broadway
New York, NY 10006
jmonteverde@zlk.com
Counsel for Silverstein Group

Richard John Morvillo
Mayer Brown LLP
1909 K Street, N.W.
8th Floor, Suite 804
Washington, DC 20006-1101
rmorvillo@mayerbrown.com
Counsel for TD Ameritrade Holding Corporation

Clerk of the Court
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Dated: June 26, 2008



TerriAnne Benedetto, Esquire